

**CATTLE FEEDING OPERATIONS
INTERAGENCY COOPERATIVE AGREEMENT**

8/30/00

A. PARTIES TO THE AGREEMENT

This Agreement is made between the Idaho Department of Environmental Quality (IDEQ) and the Idaho State Department of Agriculture (ISDA).

B. PURPOSE

The purpose of this Agreement is to set forth the delegation of authority from IDEQ to ISDA for cattle feeding operations as provided for in the Beef Cattle Environmental Control Act, Chapter 49, Title 22, Idaho Code and to define roles of the agencies for regulating cattle feeding operations. The cattle feeding operations covered by this Agreement are all those operations not covered by the Idaho Beef Cattle Environmental Control Memorandum of Understanding with the exception of Section D. Generally, these are cattle feeding operations of less than 1,000 animals that utilize a liquid storage pond or treatment lagoon as part of their wastewater storage and containment facility. This delegation of authority will provide one contact agency for cattle feeding operators thus reducing confusion and duplicative efforts.

C. AGREEMENT

In order to carry out this Agreement, the IDEQ and ISDA commit to the following activities.

Roles & Responsibilities

IDEQ:

1. Hereby delegates authority for providing plan and specification review and approval to ISDA for the construction, modification, expansion, or alteration of waste treatment or disposal facilities for cattle feeding operations in accordance with Idaho Code Section 39-118 and the authority to enforce the implementation of best management practices as set forth in IDAPA 58.01.02.350.01 and 02.a and b until such time as the ISDA obtains its own authority.
2. Upon request of ISDA, IDEQ will provide training, information, education, and technical assistance for waste handling at cattle feeding operations, to the extent of available resources.
3. IDEQ will, in a timely manner, report and direct all complaints regarding cattle feeding operations to ISDA except as provided in paragraph 4 of this section.
4. IDEQ will conduct inspections of cattle feeding operations only when requested by

ISDA or, after notifying ISDA, in situations which present an imminent and substantial danger to human health or the environment

5. IDEQ will notify IDEQ of conditions at cattle feeding operations that may create imminent and substantial danger to human health or the environment or which may involve Health Act, only as a direct result of actions outlined in paragraph 4 of this section.
6. IDEQ will make determinations of violations of ambient water and air quality standards.
7. When IDEQ determines a violation of ambient environmental standards has occurred in an area where cattle feeding operations may be contributing to pollutants of concern, IDEQ shall notify ISDA and ISDA shall collect and provide all available pertinent information regarding the cattle feeding operations in the area to IDEQ. If sufficient information is not available, IDEQ will request that ISDA develop such information. If ISDA is unable to develop the appropriate information, IDEQ may initiate any necessary actions to collect the information.

ISDA:

1. Hereby assumes authority for providing plan and specification review and approval for the construction, modification, expansion, or alteration of waste treatment or disposal facilities for cattle feeding operations in accordance with Idaho Code Section 39-118 and the authority to enforce the implementation of best management practices as set forth in IDAPA 58.01.02.350.01 and 02.a and b until such time as the ISDA obtains its own authority.
2. ISDA will conduct inspections of cattle feeding operations that include evaluation of waste collection, storage, treatment, handling, and management procedures and implementation of best management practices for protection of natural resources including surface and ground water.
3. ISDA will conduct enforcement actions against cattle feeding operations, which are not in compliance with Idaho Code Section 39-118 or best management practices as set forth in IDAPA 58.01.02.350.01 and 02.a and b.
4. ISDA will provide the initial response to complaints and information relative to cattle feeding operations whether on or off the facility.
5. ISDA will notify IDEQ of conditions at cattle feeding operations that may create imminent and substantial danger to human health or the environment or which may involve violations of ambient environmental standards occurring beyond the property boundaries of the cattle feeding operation's facility.
6. ISDA will provide technical assistance to cattle feeding operations, as resources allow, including but not limited to, the location, design, construction, operation and

maintenance of wastewater storage and containment facilities.

7. ISDA will refer determinations of violations of ambient water and air quality standards to IDEQ.

D. PROCEDURES

The following procedures apply to situations involving cattle feeding operations and beef cattle feeding operations covered by the Idaho Beef Cattle Environmental Control Memorandum of Understanding.

Management of Complaints

1. A letter of complaint received by IDEQ, which pertains to Beef cattle, will be forwarded to ISDA by fax, e-mail and/or regular mail.
2. IDEQ will refer the caller of a telephone complaint or request pertaining to Beef cattle to ISDA.
 - a. IDEQ may take the complaint information and forward it to ISDA by fax, e-mail and/or regular mail. Information forwarded will include the date and time of the complaint and any other pertinent information.
 - b. The agency receiving a complaint involving a discharge or a situation with the potential to create an imminent and substantial danger to human health or the environment will immediately notify the other agency by telephone.
 - c. When requested, ISDA will inform IDEQ of the particular action taken.
3. In referring a complaint or information request, the agency initially contacted will not commit the other agency to a particular action.

Enforcement Actions

1. ISDA will notify IDEQ of any administrative enforcement actions it takes. Notification will be made by fax, e-mail and/or regular mail to IDEQ's state office.
2. If requested by ISDA, IDEQ will provide assistance in enforcement actions, to the extent of available resources.
3. IDEQ will notify ISDA of any enforcement actions it takes against cattle feeding operations. Notification will be made by fax, e-mail and/or regular mail to ISDA's state office with a copy sent to the county or city where the operation is located.

E. GENERAL PROVISIONS

1. Each agency's files related to implementation of this Agreement will be mutually available under applicable law to the other agency for inspection and copying. Each agency will respect the confidentiality of files or materials designated CONFIDENTIAL in accordance with state laws. This provision shall not be construed to authorize or require disclosure of agency files to third parties except as required by state laws.
2. Nothing in this Agreement shall be construed as surrendering existing statutory or regulatory authority of the agencies. However, the IDEQ recognizes the lead role of the ISDA in regulating cattle feeding operations as set forth in this Agreement.
3. This Agreement may be amended through mutual agreement of the agencies. This Agreement will be effective when signed by both agencies.
4. This Agreement will remain in effect until terminated by either agency upon 60 days written notice.
5. State agencies may enter into interagency cooperative agreements under authority of Title 67, Chapter 23, Idaho Code.

SIGNATORY AGENCIES:

C. Stephen Allred, Director
Idaho Department of Environmental Quality

DATE

Patrick A. Takasugi, Director
Idaho State Department of Agriculture

DATE